

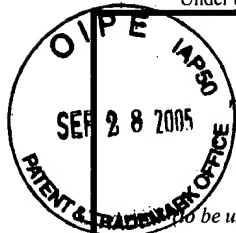
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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

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Application Number		09/393,590	
Filing Date		September 9, 1999	
First Named Inventor		Elizabeth Moyer	
Art Unit		1645	
Examiner Name		Devi, S.J.N.	
Total Number of Pages in This Submission	3	Attorney Docket Number	31242-701.201

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply – Communication Regarding Inventorship <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): 1) PTO/SB/08A; 2) 3 References; and 3) Return Postcard
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name	WILSON SONSINI GOODRICH & ROSATI		
Signature			
Printed Name	Albert P. Halluin		
Date	September 28, 2005	Reg. No.	25,227

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being Express Mailed addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Suzan Lindstrom	Date	September 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT
ATTORNEY DOCKET NO. 31242-701.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Elizabeth Moyer et al.)	Confirmation No. 2967
)	
Serial No.: 09/393,590)	Art Unit: 1645
)	
Filed: September 9, 1999)	Examiner: DEVI, S.J.N.
)	
Title: STABLE LIQUID FORMULATIONS)	
OF BOTULINUM TOXIN)	

COMMUNICATION REGARDING INVENTORSHIP

Mailstop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants file these supplemental remarks for the Examiner's consideration in regards to the above referenced application. It has come to Applicant's attention in an unrelated matter that a third party has suggested several individuals should be named as inventors in the instant application. The individuals that the third party alleges are inventors were employed by said third party during the relevant period prior to filing of the instant application.

In response, Applicants' counsel believe they have investigated this allegation thoroughly by interviewing relevant parties, including the inventors, Elizabeth Moyer and Pamela Hirtzer, as well as with Dr. Paulette Settler, project leader and organizer for the filing assignee, Athena Neurosciences, and Carol Stratford, the attorney who prepared and filed the instant application. Applicants' counsel have also reviewed close to 10,000 documents surrounding the relevant period. The documents included laboratory notebooks and meeting notes, as well as monthly and quarterly

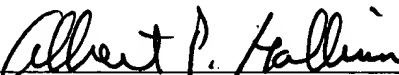
summaries provided by Athena Neurosciences and jointly approved by said third party and Athena Neurosciences. In all of these documents and interviews, Applicants' counsel have found no evidence or suggestion of the existence of additional inventors that have not been named in the instant application. The named inventors worked with said third party's employees who assisted with the growth and culturing of the botulinum bacteria and purification of the toxin, but did not contribute as inventors to the instant claims.

Applicants' counsel believes, therefore, that they have fulfilled their duty of candor and faith to the U.S. Patent and Trademark Office under 37 C.F.R. § 1.56, and conclude that the instant application properly names the true inventors of the pending claims. Applicants encourage the Examiner to call the undersigned below should she have any questions regarding these supplemental remarks.

Respectfully submitted,

Date: September 28, 2005

By:


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